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E-filed 8/26/05

25 Attorneys for Defendants
26 MARQUEZ BROTHERS FOODS INC. and
27 MARQUEZ BROTHERS INTERNATIONAL, INC.

28
18 UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION

21 THE JEL SERT COMPANY,

22 Plaintiff,

23 v.

24 MARQUEZ BROTHERS FOODS INC. and
25 MARQUEZ BROTHERS
26 INTERNATIONAL INC.,

27 Defendants.

28 Case No. C 04-5504 JF

AMENDED

STIPULATION AND [PROPOSED] ORDER
EXTENDING TIME TO FINALIZE
SETTLEMENT OR, IN THE
ALTERNATIVE, TO RESTORE THE
MATTER TO THE COURT'S CALENDAR

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FINALIZE SETTLEMENT OR, IN THE
ALTERNATIVE, TO RESTORE THE MATTER TO THE COURT'S CALENDAR
Case No. C 04-5504 JF

1.

WHEREAS, the parties to this lawsuit are in the process of finalizing the last details of their formal, written settlement of the lawsuit and its related dispute, but are faced with the absence of the representative of one of the parties;

WHEREAS, the consideration for settlement has not been delivered over because the written settlement has not been executed;

WHEREAS, the Court, on May 24, 2005, issued its Order of Dismissal, dismissing the lawsuit with prejudice but subject to the right of the parties to certify, within ninety days, that the agreed-upon consideration for the settlement has not been delivered over, upon which the Court's Order would stand vacated and the matter restored on the Court's calendar; and

WHEREAS, the parties jointly believe that this matter will be fully and formally settled and that consideration will be delivered within two weeks;

PURSUANT TO CIVIL LOCAL RULE 6-1, IT HEREBY IS STIPULATED AND
AGREED by and between the undersigned attorneys for the parties hereto that the deadline in the
Court's May 24, 2004 Order shall be extended two weeks, to and including September 6, 2005.

IN THE ALTERNATIVE, IT HEREBY IS STIPULATED AND AGREED by and between the undersigned attorneys for the parties that consideration has not been delivered over and, should the Court not be amenable to extending the current deadline in the Court's May 24, 2004 Order two weeks, the Court shall vacate the Order of May 24, 2005 and restore this matter to the Court's calendar.

Respectfully submitted,

Dated: August 23, 2005

SQUIRE, SANDERS & DEMPSEY L.L.P.

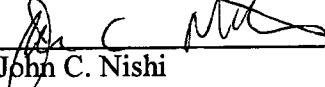
By:

Michael E. Sobel

Attorneys for Defendants
MARQUEZ BROTHERS FOODS INC. and
MARQUEZ BROTHERS
INTERNATIONAL, INC.

1 Dated: August 23, 2005

WINSTON & STRAWN LLP

2 By: 
3 John C. Nishi

4 Attorneys for Plaintiff
5 THE JEL SERT COMPANY

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7 PURSUANT TO STIPULATION, IT IS ORDERED:

8 [select either:]

9 * (1) that the deadline in the Court's May 24, 2004 Order shall be extended two weeks,
10 to and including September 6, 2005; (JF)

11 [or, in the alternative:]

12 (2) ~~that the Court vacates its Order of May 24, 2005 and restores this matter to the~~
13 Court's calendar.

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15 Dated: August 26, 2005

Jeremy Fogel /s/electronic signature authorized

16 UNITED STATES DISTRICT JUDGE

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STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FINALIZE SETTLEMENT OR, IN THE
ALTERNATIVE, TO RESTORE THE MATTER TO THE COURT'S CALENDAR

3.